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Docket No. 48535/268245

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1 and 35 have been amended. Claims 7-13, 16, 19, 23-29, and 31-34 have been canceled without any prejudice or disclaimer of the subject matter contained therein. Claims 1-6, 14, 15, 17, 18, 20-22, 30, and 35-38 are currently pending.

Claims 1-6, 14-15, 17-18, 20-22, 30, 33, and 35-38 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

Claims 1-6, 14-15, 17-18, 20-22, 33, and 35-38 have been rejected under 35 U.S.C. 103(a) as alleged being unpatentable over Kling et al. (5,878,215) in view of Northington et al. (6,128,602) and further in view of Brock (Accounting Principles and Applications: Parts One and Two).

Claim 30 has been rejected under 35 U.S.C. 103(a) as alleged being unpatentable over Kling et al., Northington et al., Brock and further in view of Weissman

Telephonic Interviews

The undersigned thanks the Examiner for the several telephonic interviews, wherein the most substantive discussion happened in the last interview dated December 15, 2005, wherein the discussed matters are as stated in the Examiner's Interview Summary of record.

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Rejections under 35 U.S.C. 112, second paragraph

As the Examiner suggested in the telephonic interview dated December 15, 2005, claim 1 has been amended to affirmatively recite the step of posting in real time and interspersable with the processing of the second type of transactions. Furthermore, regarding the phrase "receiving a request to the data structure" in claim 35, it has been amended to now recite, "receiving a request to update a first one of the existing balances in the data structure." The amendment serves to eliminate any possible interpretation that the data structure is performing the receiving or any other action. Accordingly, withdrawal of the rejections under 35 U.S.C. 112 is respectfully requested.

Rejections under 35 U.S.C. 103(a)**Claim 1**

Claim 1 has been amended to incorporate claim 33, which recites first and second balances of a plurality of exiting balances that are associated with a first account. Thus, the term balance has a consistent meaning for both the "first one of the plurality of balances" and the "second one of the plurality of balances." It is respectfully submitted that the references of record neither anticipate nor make obvious the amended claim 1 for at least the following reasons:

- As understood in the art, and also understood by the Examiner with nine years of experience as an accountant and comptroller, a "balance" refers to a value representing, for example, the total fees, total interest owed, total money owed, total money owed from

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a set of accounts year-to-date, etc. In other words, a "balance" is a *calculated* sum of some set of numbers, and, in particular, it is NOT a *set* parameter. Indeed, in general, Merriam-Webster's Collegiate Dictionary, Tenth Edition, defines a balance as "something left over : Remainder" or "an amount in excess especially on the credit side." Therefore, while an account may have a credit limit amount, as shown in Northington et al., there is no such thing as a "credit limit balance" – as alleged by the Examiner – only an "available credit amount", as calculated below:

Credit Limit = account balance + available credit.

- Furthermore, while the Examiner rejected the "first balance" associated with the first account based on the generally-understood meaning of the term "balance" in the art, the Examiner rejected the "second balance" associated with the same first account based on a different meaning, i.e., the "credit limit balance," which is more like an available credit limit on an account instead of an actual balance on the account.
- Furthermore, there is no mention of a third balance in Northington et al. and other references of record as is now added in claim 33 (which was originally in claim 34 but accidentally omitted from claim 33 in a previous amendment that incorporated claim 34 into claim 33).

Accordingly, claims 1-6, 14-15, 17-18, 20-22, 33, and 35-38 are allowable over the references of record, and withdrawal the rejection of these claims is respectfully requested.

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Claims 35 and 36

Claim 35 has been converted to an independent claim with incorporation of base claim 1. Claims 35 and 36 also recite first and second balances associated with an account. Therefore, the aforementioned reasons for the allowability of claim 33 also applies here with regard to Northington et al. and the other references of record.

Conclusion

For at least all of the above reasons, it is respectfully submitted that the present invention is neither disclosed nor suggested by the references of record, and the claims now pending patentably distinguish the present invention from the references of record. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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MANNAVA & KANG, P.C.
8221 Old Courthouse Road
Suite 104
Vienna, VA 22182
work: 703-652-3819
fax: 703-880-5270

By:



Tiep H. Nguyen
Registration No. 44,465